

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

JAMES EVERETT SHELTON AND JON
FREY, on behalf of themselves and others
similarly situated,

Plaintiffs,

vs.

DIRECT ENERGY, LP and KAA ENERGY,
INC.

Defendants.

Case No. 2:18-cv-4375-CMR

COMPLAINT – CLASS ACTION

PLAINTIFF’S MOTION FOR AN EXTENSION OF TIME

Plaintiffs James Everett Shelton and Jon Frey move the Court for an Order allowing them a three-week extension to January 8, 2019 to allow them to file a response to Defendant Direct Energy, LP’s motion to dismiss the First Amended Complaint. (ECF No. 13). Since the Plaintiffs filed their last request for a 7-day extension, the parties have begun to exchange information and meet and confer on certain issues raised in the motion in hopes of limiting the issues for the Court to decide on the motion. Furthermore, counsel for Plaintiffs were preparing a Request for Entry of Default for KAA Energy, Inc., who has not appeared. As KAA Energy’s non-appearance relates to issues raised in Direct Energy’s motion, and that the Plaintiffs intend to address, the Plaintiffs request that they be able to file their opposition on January 8, 2019, the first date that this Court’s Order allows the Plaintiffs to file a Request for Entry of Default. *See* ECF No. 21.

In further support of this motion, Plaintiffs states that the undersigned lead counsel for the Plaintiff has had to travel out of state for a hearing this week in advance of the upcoming holidays. Furthermore, the Plaintiffs filed an Amended Complaint on November 14, 2018 (ECF No. 10) in response to the original motion filed by Direct Energy on November 10, 2018 (ECF No. 4), when Fed. R. Civ. P. 15(a)(1)(B) and the local rules of this Court did not require them to file that Amended Complaint until November 24, 2018.

Plaintiffs have conferred with Direct Energy regarding this motion and Direct Energy does not have any opposition to the relief sought in this motion. Accordingly, the Plaintiff respectfully submits that good cause exists for an order granting Plaintiff until January 8, 2019 to file a response to the Defendant's motion.

Plaintiff,
By Counsel,

Dated: December 18, 2018

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed through the Court's CM/ECF System on December 18, 2018, and a copy was automatically distributed to all counsel of records through that System.

/s/ Anthony I. Paronich_____